

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY APRIL 28, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1150**

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**Introduced by Assembly Member V. Manuel Pérez**

February 18, 2011

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An act to amend Section 379.6 of the Public Utilities Code, relating to electricity.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1150, as amended, V. Manuel Pérez. Self-generation incentive program.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. Existing law requires the PUC to administer, until January 1, 2016, a self-generation incentive program (SGIP) for distributed generation resources and to separately administer solar technologies pursuant to the California Solar Initiative. The PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), may authorize electrical corporations to annually collect not more than the amount

authorized for the SGIP in the 2008 calendar year through December 31, 2011.

This bill would extend the authority of the PUC to authorize electrical corporations to continue making the annual collections through December 31, ~~2012~~ 2014.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the program that is extended under the provisions of this bill are within the act and a decision or order of the commission implements the program requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 379.6 of the Public Utilities Code is  
2     amended to read:  
3     ~~379.6. (a) (1) The commission, in consultation with the Energy~~  
4     379.6. (a) (1) *It is the intent of the Legislature that the*  
5     *self-generation incentive program increase deployment of*  
6     *distributed generation and energy storage systems to facilitate the*  
7     *integration of those resources into the electrical grid, improve*  
8     *efficiency and reliability of the distribution and transmission*  
9     *system, and reduce emissions of greenhouse gases, peak demand,*  
10    *and ratepayer costs.*  
11    (2) *The commission, in consultation with the Energy*  
12    Commission, may authorize the annual collection of not more than  
13    the amount authorized for the self-generation incentive program  
14    in the 2008 calendar year, through December 31, ~~2012~~ 2014. The  
15    commission shall require the administration of the program for  
16    distributed energy resources originally established pursuant to  
17    Chapter 329 of the Statutes of 2000 until January 1, 2016. On  
18    January 1, 2016, the commission shall provide repayment of all

1 unallocated funds collected pursuant to this section to reduce  
2 ratepayer costs.

3 ~~(2)~~

4 (3) The commission shall administer solar technologies  
5 separately, pursuant to the California Solar Initiative adopted by  
6 the commission in Decision 06-01-024.

7 (b) Eligibility for incentives under the program shall be limited  
8 to distributed energy resources that the commission, in consultation  
9 with the State Air Resources Board, determines will achieve  
10 reductions of greenhouse gas emissions pursuant to the California  
11 Global Warming Solutions Act of 2006 (Division 25.5  
12 (commencing with Section 38500) of the Health and Safety Code).

13 (c) Eligibility for the funding of any combustion-operated  
14 distributed generation projects using fossil fuel is subject to all of  
15 the following conditions:

16 (1) An oxides of nitrogen (NO<sub>x</sub>) emissions rate standard of 0.07  
17 pounds per megawatthour and a minimum efficiency of 60 percent,  
18 or any other NO<sub>x</sub> emissions rate and minimum efficiency standard  
19 adopted by the State Air Resources Board. A minimum efficiency  
20 of 60 percent shall be measured as useful energy output divided  
21 by fuel input. The efficiency determination shall be based on 100  
22 percent load.

23 (2) Combined heat and power units that meet the 60-percent  
24 efficiency standard may take a credit to meet the applicable NO<sub>x</sub>  
25 emissions standard of 0.07 pounds per megawatthour. Credit shall  
26 be at the rate of one megawatthour for each 3.4 million British  
27 thermal units (Btus) of heat recovered.

28 (3) The customer receiving incentives shall adequately maintain  
29 and service the combined heat and power units so that during  
30 operation, the system continues to meet or exceed the efficiency  
31 and emissions standards established pursuant to paragraphs (1)  
32 and (2).

33 (4) Notwithstanding paragraph (1), a project that does not meet  
34 the applicable NO<sub>x</sub> emissions standard is eligible if it meets both  
35 of the following requirements:

36 (A) The project operates solely on waste gas. The commission  
37 shall require a customer that applies for an incentive pursuant to  
38 this paragraph to provide an affidavit or other form of proof that  
39 specifies that the project shall be operated solely on waste gas.  
40 Incentives awarded pursuant to this paragraph shall be subject to

1 refund and shall be refunded by the recipient to the extent the  
2 project does not operate on waste gas. As used in this paragraph,  
3 “waste gas” means natural gas that is generated as a byproduct of  
4 petroleum production operations and is not eligible for delivery  
5 to the utility pipeline system.

6 (B) The air quality management district or air pollution control  
7 district, in issuing a permit to operate the project, determines that  
8 operation of the project will produce an onsite net air emissions  
9 benefit, compared to permitted onsite emissions if the project does  
10 not operate. The commission shall require the customer to secure  
11 the permit prior to receiving incentives.

12 (d) In determining the eligibility for the self-generation incentive  
13 program, minimum system efficiency shall be determined either  
14 by calculating electrical and process heat efficiency as set forth in  
15 Section 216.6, or by calculating overall electrical efficiency.

16 (e) In administering the self-generation incentive program, the  
17 commission may adjust the amount of rebates and evaluate other  
18 public policy interests, including, but not limited to, ratepayers,  
19 energy efficiency, peak load reduction, load management, and  
20 environmental interests.

21 (f) The commission shall ensure that distributed generation  
22 resources are made available in the program for all ratepayers.

23 (g) (1) In administering the self-generation incentive program,  
24 the commission shall provide an additional incentive of 20 percent  
25 from existing program funds for the installation of eligible  
26 distributed generation resources from a California supplier.

27 (2) “California supplier” as used in this subdivision means any  
28 sole proprietorship, partnership, joint venture, corporation, or other  
29 business entity that manufactures eligible distributed generation  
30 resources in California and that meets either of the following  
31 criteria:

32 (A) The owners or policymaking officers are domiciled in  
33 California and the permanent principal office, or place of business  
34 from which the supplier’s trade is directed or managed, is located  
35 in California.

36 (B) A business or corporation, including those owned by, or  
37 under common control of, a corporation, that meets all of the  
38 following criteria continuously during the five years prior to  
39 providing eligible distributed generation resources to a  
40 self-generation incentive program recipient:

1 (i) Owns and operates a manufacturing facility located in  
2 California that builds or manufactures eligible distributed  
3 generation resources.

4 (ii) Is licensed by the state to conduct business within the state.

5 (iii) Employs California residents for work within the state.

6 (3) For purposes of qualifying as a California supplier, a  
7 distribution or sales management office or facility does not qualify  
8 as a manufacturing facility.

9 (h) The costs of the program adopted and implemented pursuant  
10 to this section shall not be recovered from customers participating  
11 in the California Alternate Rates for Energy (CARE) program.

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.